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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-11-00329 SBA
11 Plaintiff,) STIPULATED REQUEST TO CONTINUE
12 v.) HEARING DATE TO MAY 18, 2012 FOR
13) JUDGMENT AND SENTENCING AND
14 DUSTIN MICHAEL BURT,) TO EXCLUDE TIME UNDER THE
15 Defendant.) SPEEDY TRIAL ACT AND ORDER
16)
Hearing Date: February 21, 2012
Time: 10:00 a.m.

17 The above-captioned matter is set on February 21, 2012 before this Court for trial setting.
18 The parties jointly request that the Court continue the matter to May 18, 2012 at 10:00 a.m. for
19 judgment, plea and sentencing, and that the Court exclude time under the Speedy Trial Act, 18
20 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and May 18, 2012.

21 The parties have reached a Federal Rule of Criminal Procedure 11(c)(1)(C) plea
22 agreement. The parties request that the Court take the parties' proposed plea agreement under
23 submission and that the Court refer this matter to the United States Probation Office for a full
24 pre-sentence investigation.

If the Court agrees to take the parties' proposed agreement under submission, the parties agree that time should be excluded pursuant to 18 U.S.C. § 3161(h)(1)(G) based on the Court's

1 consideration of the proposed plea agreement to be entered into by the defendant and the
2 attorney for the Government. A copy of the plea agreement and Mr. Burt's signed consent to
3 institute a pre-plea investigation will be submitted together with the Court's courtesy copy of
4 this stipulation. These documents have not been e-filed.

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6 DATED: February 21, 2012

BRIAN LEWIS
Assistant United States Attorney

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9 DATED: February 21, 2012

ANGELA M. HANSEN
Assistant Federal Public Defender

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ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 **FINDS:**

4 1. Given that the parties have reached a Rule 11(c)(1)(C) agreement and have
5 submitted that agreement to the Court for consideration:

6 2. Given that Mr. Burt has signed a consent to institute a pre-sentence investigation
7 and to disclose the report before his plea of guilty;

8 3. Given that the Court will take the proposed plea agreement under submission
9 until the United States Probation Office can prepare a Presentence Investigation Report:

10 Based on these findings, IT IS HEREBY ORDERED that this matter is referred to the
11 United States Probation Office to prepare a pre-plea Presentence Investigation Report. IT IS
12 FURTHER ORDERED that the trial setting hearing on February 21, 2012, scheduled at 10:00
13 a.m., before the Honorable Saundra Brown Armstrong, is vacated and this matter is reset to May
14 18, 2012, at 10:00 a.m., for judgment, plea and sentencing.

15 IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C.
16 § 3161(h)(1)(G), from the date of this Stipulation to May 18, 2012, based on the Court's
17 consideration of the proposed plea agreement to be entered into by the defendant and the
18 attorney for the government.

20 | February 21, 2012

Saundra B Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Judge